

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 02/26/2008. Claims 1 and 14 are amended. Claims 2, 15 and 17 are original. Claims 3-13, 16, 18 and 22-39 have been previously presented. Claims 19-21 are cancelled. Claim 40 is new.

### ***Response to Arguments***

2. Applicant's arguments filed 02/26/2008 have been fully considered but they are not persuasive.

Regarding Claim 1, the applicant argues that Keith teaches away from using two versions, but only storing the most recently used version (Page 11).

In response to the applicant's argument, the examiner respectfully disagrees. Keith discloses two versions (Column 7, lines 37-45, Column 8, lines 20-25). The claim languages includes the language requires receiving two version, determining which version is stored, and storing only the most recently used or accessed version. The claim does not require using both versions. The rejection is maintained. The applicant should add the limitation of using both versions if the applicant wants the Office to consider this argument.

The applicant argues that dependant claims of claim 1 are allowable because prior art used to reject claims do not meet the limitations of claim 1. Therefore, the rejections should be withdrawn.

In response to these arguments, see response to arguments of claim 1.

3. Applicant's arguments filed 02/26/2008 have been fully considered but they are not persuasive.

Regarding Claim 9, the applicant argues that the Examiner appears to identify the preferred source bit of Eyer to the channel subset identity (Page 10). The applicants argue Eyer does not disclose that the receiver stores a channel subset identity compared to the preferred source bit (Page 10). The applicant further argues that if there is no clash, then the IRD will not pay attention to the preferred source data bit (Page 10).

In response to the argument, the examiner respectfully disagrees. Eyer discloses that there is a channel set and subset identities via the source IDs including national (channel set) and regional (channel subset) Ids. Eyer discloses reference channel set and subset identities are stored as the preferred source data bit can be delivered with the channel map data over the satellite network (Column 7, lines 40-45) and the channel map data is stored (Column 7, lines 45-47). The applicant's argument of the comparison occurring when there is a clash or conflict is moot as the claim does not recite that comparison occurs every time or regardless of a conflict or any other such language. If the applicant adds this language, the applicant should provide

support from the applicant's specification. The claim requires comparing the reference channel set and subset identities to the channel set and subset identities (Column 7, lines 30-45, Column 8, lines 7-10). Eyer meets these limitations as recited. The limitations can be met by the broadest reasonable interpretation.

The applicant argues that dependant claims of claim 9 are allowable because prior art used to reject claims do not meet the limitations of claim 9. Therefore, the rejections should be withdrawn.

In response to these arguments, see response to arguments of claim 9.

4. Applicant's arguments with respect to claim 14, 15 and 40 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 02/26/2008 have been fully considered but they are not persuasive.

Regarding Claim 16, applicant argues that Eyer fails to teach or suggest that data is transmitted over both the first and second networks (Page 14).

In response to the applicant, Eyer is not used to disclose that the program schedule data is transmitted over both the first and second networks. Usui discloses a receiver for receiving program guide data from two networks (Figure 23). Eyer discloses that the interactive program guide (IPG) is being broadcast over the satellite network, means for receiving and decoding additional program schedule data *from* the first network for either the first or second broadcast network (Column 13, lines 58-67,

Column 5, lines 62-67, Column 8, lines 25-28, Column 15, lines 32-37). Usui and Yuen2 combined with Eyer disclose all the limitations of Claim 16.

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

### ***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The applicant should place all claim terminology supported by the original filing to the applicant's specification.

"receiving program data broadcast from one network at a faster rate than the other network."

### ***Claim Objections***

7. Claim 15 is objected to because of the following informalities: "filtered schedule" is assumed to be --sorted schedule--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 9-11, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al (US 6,160,545 and hereafter referred to as "Eyer").

Regarding Claim 9, Eyer discloses a receiver for receiving TV signals in a plurality of channels each defining a television program and/or services provided by a broadcaster (Column 5, lines 54-61, Column 6, lines 26-32), and a channel set identity or national indicator and a channel subset identity or region ID (Column 7, lines 30-40, Column 8, lines 7-10), the receiver comprising:

means for storing a reference channel set identity and one or more reference channel subset identities or preferred source data such as satellite or cable for CNN (Column 7, lines 30-45, Figure 1, 185, Column 8, lines 9-11, Column 9, lines 20-35);  
means for comparing the channel identity and channel subset identity or a channel in a received signal with the reference channel and channel subset identities as CNN has at least two sources from the satellite network and from the cable network and the receiver compares the identity of the network to a "1" or "0" (Column 7, lines 30-45); and

means for outputting the received TV signal for display of the program or other services defined depending on the comparison or after the comparison to determine the preferred sources selecting the channel from the preferred source for display (Column 7, lines 30-45).

Regarding Claim 10, Eyer discloses all the limitations of Claim 9. Eyer discloses storing means or RAM to store the common channel subset or national/global identifying programs and/or services receivable independent of the receivers location (Column 9, lines 43-52, Column 8, lines 7-10, Column 7, lines 30-40) and a regional channel subset identifying programs and/or other services receivable depending on the location of the receiver specific to a CATV network such as in a metropolitan area (Column 8, lines 7-10, 53-60, 164-67, Column 7, lines 30-40).

Regarding Claims 11 and 26, Eyer discloses all the limitations of Claims 9 and 10 respectively. Eyer discloses that each channel has associated with it a logical channel number which varies on a channel subset basis or satellite channels and cable channels depend on common data or global data (Column 9, lines 37-44) and region specific channel subset such as different CATV networks in a region (Column 9, lines 37-44), the receiver comprising means for displaying a list of program and/or other services containing the logical channel number or services and programming for specific channels (Column 9, lines 37-44).

10. Claims 14, 15 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2007/0271582 and hereafter referred to as "Ellis2").

Regarding Claim 14, Ellis2 discloses a receiver for receiving television signals in a plurality of channels each defining a television program, wherein the signals include sorting data defining a sorted list or electronic program guide information (Figure 4, Page 3, paragraph 0050-0051, 0053) the receiver comprising:

means for sorting the scheduling data depending on the sorting data to produce output signals defining an image of selected events in the program schedule for display as a sorted schedule on a television screen in an order depending on the sorted list or the electronic program guide (Figure 4, Pages 4-5, paragraphs 0076-0078).

Regarding Claim 15, Ellis2 discloses all the limitations of Claim 14. Ellis2 discloses the sorting data includes data to enable events in the schedule defined by the schedule data to be selected for display in the sorted schedule depending on the one of genre or subgenre (Pages 4-5, paragraphs 0076-0078, 0080, Figure 4).

Regarding Claim 40, Ellis2 discloses all the limitations of Claim 14. Ellis2 discloses means for filtering the schedule data based on ratings such that the sorted schedule is displayed as a filtered schedule of movies (Page 5, paragraph 0080, Figure 6).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 5-8, 22, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 5,548,338 and hereafter referred to as "Ellis") in view of Keith et al (US 5,991,451 and hereafter referred to as "Keith").

Regarding Claim 1, Ellis discloses a receiver for receiving television signal in a plurality of channels each defining a television (TV) program, wherein at least a signal in one of the channels includes compressed program schedule data defining broadcast events in the channels, and for producing output signals defining an image of the broadcast events in the program schedule for displaying on a TV screen (Column 3, lines 26-35), the receiver comprising:

Data defining a dictionary or Huffman coding constructing a look up table and binary tree representing text portions (Column 8, lines 47-60);

Means for expanding the program schedule data by identifying corresponding text portions in the dictionary (Column 8, lines 47-60, Column 9, lines 16-31);

Means for constructing the image of events using identified corresponding text portions (Column 8, lines 47-60, Column 9, lines 16-31).

Ellis discloses receiving software updates (Column 3, lines 26-35), using the Huffman coding that constructs the lookup table and binary tree for stored corresponding text portion (Column 9, lines 16-31), and storing an application program (Column 9, lines 16-39). Ellis does not explicitly disclose means for receiving data defining two versions of a dictionary, means for determining which version of the



dictionary the corresponding data is stored, means for storing the most recently accessed version of the dictionary. In analogous art, Keith discloses compression using Huffman coding or tables, means for receiving data defining two version of a dictionary (Column 7, lines 37-45, Column 8, lines 20-25), means for determining which version of dictionary for corresponding data is stored or Huffman table with corresponding data are stored (Column 7, lines 37-45, Column 8, lines 20-25), and means for storing only the most recently accessed version of the dictionary using a table number (Column 7, lines 37-45, Column 8, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ellis to include means for receiving data defining two versions of a dictionary (Column 7, lines 37-45, Column 8, lines 20-25), means for determining which version of dictionary for corresponding data is stored or Huffman table with corresponding data are stored (Column 7, lines 37-45, Column 8, lines 20-25), and means for storing only the most recently accessed version of the dictionary using a table number (Column 7, lines 37-45, Column 8, lines 20-25) as taught by Keith in order to allow the encoder to swap code and allow the decoder to accurately decode the encoded data and to update the tables for efficiency (Column 6, lines 62-66, Column 7, lines 37-45) as disclosed by Keith.

Regarding Claim 2, Ellis and Keith disclose all the limitations of Claim 1. Ellis discloses that the text portions comprise an extended service description including PPV Channel Info (Column 3, lines 25-35, Column 9, Column 10, Table 4).

Regarding Claims 3 and 22, Ellis and Keith disclose all the limitations of Claims 1 and 2 respectively. Ellis discloses text portions comprise an event name (Column 9, Table 4).

Regarding Claim 5, Ellis and Keith disclose all the limitations of Claim 1. Ellis discloses that text portions comprise extended event description (Column 3, lines 59-64, Column 9, Table 4).

Regarding Claim 6, Ellis and Keith disclose all the limitations of Claim 1. Ellis discloses the text portions include a special event message (Column 10, Table 4).

Regarding Claim 7, Ellis and Keith disclose all the limitations of Claim 1. Keith discloses means for receiving data of the other version of the dictionary and means for replacing the data of the one version of the dictionary in the storing means with data of the other version of the dictionary when the data for the text portion is determined to be stored in the other version of the dictionary (Column 7, lines 37-40).

Regarding Claim 8, Ellis and Keith disclose all the limitations of Claim 1. Ellis discloses storing a default dictionary (Figure 2, 50, Column 3, lines 51-54). Keith discloses storing a default dictionary (Column y, lines 35-45, Column 8, lines 44-64, Figure 2, 214, Column 3, lines 35-44, Column 2, lines 1-16).

Regarding Claim 38, Ellis and Keith disclose all the limitations of Claim 1. Keith discloses that the most recently accessed version of the dictionary or encoded bitstream is stored in a volatile memory or memory device or dynamic random access memory device (DRAM) (Figure 2, 214, Column 4, lines 30-32).

Regarding Claim 39, Ellis and Keith disclose all the limitations of Claim 38. Keith discloses a further dictionary that is stored in non-volatile memory or hard disk (Column 3, lines 38-40, Column 4, lines 38-40). Ellis discloses a dictionary is stored in non-volatile memory or hard disk (Column 9, lines 36-39).

13. Claims 4, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Keith as applied to claim 1 above, and further in view of Terasawa et al (US 6,147,714 and hereafter referred to as "Terasawa").

Regarding Claims 4, 23, 24 and 25, Ellis and Keith disclose all the limitations of Claims 1, 2, 3 and 22 respectively. Ellis discloses text portions comprise long titles (Column 9, Table 4). Ellis and Keith do not explicitly disclose a short event name. In analogous art, Terasawa disclose the text portions comprise a short event name (Column 7, lines 55-67, Column 8, line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the text portions comprise a short event name (Column 7, lines 55-67, Column 8, line 1) as taught by Terasawa in order to provide a succinct title to the user for easy selection as is well known in the art.

14. Claims 12, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer in view of Klosterman (US 6,072,983).

Regarding Claims 12, 27, 28, 29, Eyer discloses all limitations of Claims 9, 10, 11 and 26 respectively. Eyer discloses a program guide or IPG that displays a list of

programs and services (Column 5, lines 54-61). Eyer is silent on an order channel number, which varies on channel subset basis, the receiver comprising means for displaying a list of programs and/or other services depending on the order channel number. Klosterman discloses receiving program schedule information, which is sorted in a predetermined order such that the program schedule is mixed, sorted, organized in a format (Column 6, lines 11-27). It is necessarily included that if there is a specific predetermined order in which the programming and services should be displayed that a number is associated with the order of the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer to include an order number for receiving program schedule information which is sorted in a predetermined order such that the program schedule is mixed, sorted, organized in a format (Column 6, lines 11-27) as taught by Klosterman so that the program schedule is ready for immediate display and saves time (Column 6, lines 11-27) as disclosed by Klosterman.

15. Claims 13, 30, 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer in view of Coleman et al (US 5,844,620 and hereafter referred to as "Coleman").

Regarding Claims 13, 30, 31, 33, Eyer discloses all limitations of Claims 9, 10, 11 and 26 respectively. Eyer is silent on each channel has associated with it one or more indicators, the receiver comprising means responsive to the indicators for controlling display of program and/or service information. Coleman discloses that each channel

has associated with it one or more indicators such as closed captions (Column 3, lines 54-60, Column 19, lines 8-27) theme categories (Column 4, lines 1-4) and rating/parental rating (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54), the receiver comprising means responsive to the indicator for controlling display of program as parental controls on the program (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54) or to display closed captioning (Column 3, lines 54-60, Column 19, lines 8-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer to include that each channel has associated with it one or more indicators such as closed captions (Column 3, lines 54-60, Column 19, lines 8-27) theme categories (Column 4, lines 1-4) and rating/parental rating (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54), the receiver comprising means responsive to the indicator for controlling display of program as parental controls on the program (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54) or to display closed captioning (Column 3, lines 54-60, Column 19, lines 8-27) as taught by Coleman in order to allow a user to obtain information relating to the provision of services over a network (Column 1, lines 10-15) as disclosed by Coleman.

16. Claims 16-18, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usui et al (US 5,808,694 and hereafter referred to as "Usui") in view of Yuen (WO 97/47136 and hereafter referred to as "Yuen2") and Eyer.

Regarding Claim 16, Usui discloses a receiver for receiving TV signals in a first plurality of channels broadcast in a first broadcast network and including program schedule data for the first network and TV signals in a second plurality of channels broadcast in a second broadcast network and including program schedule data for the second network (Figure 1, Column 6, lines 56-59, Column 7, lines 4-14, Figure 5, Column 8, lines 20-30, Figure 7, Column 9, lines 1-67, Column 10, lines 1-17, 22-26, Figure 22, 23, 24), a cache store for storing a portion of the program schedule data for the first and/or second network transmitted from the time to time in at least one of the channels broadcast in the first network and/or the second network (Figure 5, 225, Figure 7, Column 9, lines 1-67, Column 10, lines 1-17, 22-26), means for decoding or converting the data in the cache store for display of a program schedule of the first or second broadcast network (Figure 10, Column 12, lines 21-54, Figure 7, Column 9, lines 1-67, Column 10, lines 1-17, 22-26). The Microsoft Press 3<sup>rd</sup> edition Computer Dictionary defines decoder as a device or program routine that converts coded data back to its original form and this means changing unreadable or encrypted codes into readable text or changing one code to another.

Usui is silent on the program schedule data being broadcast in one network at a faster rate than in the other network and means for receiving and decoding additional program schedule data from the first network for either the first or second broadcast network.

Yuen2 discloses that a user can receive program schedule data over a satellite network or cable network (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15)

and the program schedule data broadcast over the first network at a faster rate than in the second network (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15). Eyer discloses that TV signals are broadcast via the first network or satellite network with program schedule or guide data (Figure 1, Column 3, lines 58-65) and TV signals are transmitted via second network or terrestrial/cable networks (Column 3, lines 58-65). Eyer discloses that the interactive program guide (IPG) is being broadcast over the satellite network, means for receiving and decoding additional program schedule data from the first network for either the first or second broadcast network (Column 13, lines 58-67, Column 5, lines 62-67, Column 8, lines 25-28, Column 15, lines 32-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Usui to include the program schedule data broadcast over the first network at a faster rate than in the second network (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15) as taught by Yuen<sup>2</sup> in order to send high speed data for the 150 or more channels to the user without a longer wait which is inconvenient to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify means for receiving and decoding additional program schedule data from the signals for the network (Column 13, lines 58-67, Column 5, lines 62-67, Column 8, lines 25-28, Column 15, lines 32-37) as taught by Eyer in order to provide cost and bandwidth benefits for the receiver and memory management (Column 2, lines 62-67, Column 9, lines 62-67, Column 10, lines 1-6, Column 11, lines 8-18) as disclosed by Eyer.

Regarding Claim 17, Usui, Yuen2 and Eyer disclose all the limitations of Claim 16. Eyer discloses the cache store is updated when new data is transmitted in the first broadcast network or when the amount of time of IPG data can be stored such as the current 24 hours, which inherently includes that the cache store is updated with new data (Column 9, lines 21-24, 37-44, Column 10, lines 4-6).

Regarding Claims 18 and 37, Usui, Yuen2 and Eyer disclose all the limitations of Claims 16 and 17 respectively. Eyer discloses the broadcast program schedule data comprises depth data for specific models of receiver via the preformatted blocks of IPG data for daily schedules and title records (Column 11, lines 8-18), the receiver being arranged to receive depth data or receiving messages pertaining to and the amount of data that should be stored specifically schedule and title and/or descriptions in the cache store or RAM and this is dependent on the depth data or message to store as there are receivers without large enough storages to hold descriptions (Column 11, lines 26-33). The messages sent from the transmitted side is so that sorting and processing is performed only once at the transmitter versus at every decoder and also so that memory management is simplified (Column 9, lines 62-67, Column 10, lines 1-6, Column 11, lines 8-18).

17. Claim 32, 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer in view of Klosterman as applied to claims 12, 27-29 above, and further in view of Coleman.



Regarding Claims 32, 34, 35, 36, Eyer and Klosterman disclose all limitations of Claims 12, 27, 28, and 29 respectively. Eyer and Klosterman are silent on each channel has associated with it one or more indicators, the receiver comprising means responsive to the indicators for controlling display of program and/or service information. Coleman discloses that each channel has associated with it one or more indicators such as closed captions (Column 3, lines 54-60, Column 19, lines 8-27) theme categories (Column 4, lines 1-4) and rating/parental rating (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54), the receiver comprising means responsive to the indicator for controlling display of program as parental controls on the program (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54) or to display closed captioning (Column 3, lines 54-60, Column 19, lines 8-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer in view of Klosterman to include that each channel has associated with it one or more indicators such as closed captions (Column 3, lines 54-60, Column 19, lines 8-27) theme categories (Column 4, lines 1-4) and rating/parental rating (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54), the receiver comprising means responsive to the indicator for controlling display of program as parental controls on the program (Column 3, lines, 63-67, Column 4, lines 5-12, Column 22, lines 51-54) or to display closed captioning (Column 3, lines 54-60, Column 19, lines 8-27) as taught by Coleman in order to allow a user to obtain information relating to the provision of services over a network (Column 1, lines 10-15) as disclosed by Coleman.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

FEH  
May 16, 2008